

James H. Weingarten, DC Bar No. 985070
Peggy Bayer Femenella, DC Bar No. 472770
James Abell, DC Bar No. 990773
Cem Akleman, FL Bar No. 107666
Jennifer Fleury, NY Bar No. 5053178
Meredith R. Levert, DC Bar No. 498245
James Gossmann, DC Bar No. 1048904
Amanda L. Butler, IL Bar No. 6299218
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3570

*jweingarten@ftc.gov; pbayer@ftc.gov;
jabell@ftc.gov; cakleman@ftc.gov;
jfleury@ftc.gov; mlevert@ftc.gov;
jgossmann@ftc.gov; abutler2@ftc.gov*

Erika Wodinsky, Cal. Bar No. 091700
90 7th Street, Suite 14-300
San Francisco, CA 94103
Tel: (415) 848-5190

ewodinsky@ftc.gov

[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-2880-JSC

**PLAINTIFF FEDERAL TRADE
COMMISSION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Dept.: Courtroom 8
Judge: Honorable Jacqueline Scott Corley

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE No. 3:23-cv-2880-JSC

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Final Findings of Fact and Conclusions of Law, which Plaintiff provided under seal to the Court and Defendants on June 30, 2023.

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, "has been designated as confidential by another party or non-party." L.R. 79-5(f).

Certain portions of Plaintiff's Final Findings of Fact and Conclusions of Law contain information that was obtained during the course of litigation discovery in *In the matter of Microsoft Corp. and Activision, Blizzard, Inc.*, before the United States of America Federal Trade Commission Office of Administrative Law Judges, Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered on December 9, 2022 ("Administrative Protective Order"). Portions of Plaintiff's Final Findings of Fact and Conclusions of Law reference information for which the producing party has already filed confidentiality declarations in support of sealing as required by Local Rule 79-5, or for which Plaintiff reasonably expects the producing party to file confidentiality declarations in support of sealing as required by Local Rule 79-5.

Consistent with the Court's order on June 29, 2023, Hr'g Tr. 1173:2, Plaintiff will file a public, redacted copy of the Plaintiff's Final Findings of Fact and Conclusions of Law on this Court's docket on July 12, 2023.

Plaintiff takes no position on the merits of sealing any material designated as confidential by the producing party.

In compliance with Civil Local Rule 79-5(d), the unredacted version of the Plaintiff's Final Findings of Fact and Conclusions of Law accompanies this Administrative Motion as a filing under seal. In accordance with Local Rule 7-11, Plaintiff has also filed a Proposed Order herewith.

1 Dated: July 3, 2023

Respectfully submitted,

2 /s/ Jennifer Fleury

3 Jennifer Fleury
4 Peggy Bayer Femenella
5 James Abell
6 Cem Akleman
7 J. Alexander Ansaldo
8 Michael T. Blevins
9 Amanda L. Butler
10 Nicole Callan
11 Maria Cirincione
12 Kassandra DiPietro
13 Michael A. Franchak
14 James Gossmann
15 Ethan Gurwitz
16 Meredith R. Levert
17 David E. Morris
18 Merrick Pastore
19 Stephen Santulli
20 Edmund Saw
21 James H. Weingarten

22 Federal Trade Commission
23 600 Pennsylvania Avenue, NW
24 Washington, DC 20580
25 Tel: (202) 326-3570

26 Erika Wodinsky

27 Federal Trade Commission
28 90 7th Street, Suite 14-300
San Francisco, CA 94103

*Counsel for Plaintiff Federal Trade
Commission*